

NSD/CES/REGISTRATION
UNIT

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From: Laura Hosny
Sent: Tuesday, May 11, 2010 5:00 PM
To: Laura Hosny
Subject: From the Egyptian Ambassador on Emergency Law

New Legal Limits to the Application of Emergency Law in Egypt

Please see below a letter from Egyptian Ambassador to the United States, H.E. Sameh Shoukry.

May 11, 2010

Dear Laura:

Today, the Egyptian Parliament passed legislation introduced by the Government that would significantly curtail the special powers provided under the country's emergency law, prohibiting the government from monitoring communications and media, confiscating publications and property, and ordering evacuations. These legal limitations were introduced as part of the Government's request presented to Parliament today to extend the state of emergency for two years.

This represents the first step in a transition to a new counter-terrorism law, the details of which are being resolved within the Government.

I wanted to take this opportunity to step back and look at the broader security threat necessitating continued emergency powers in Egypt, as well as the new safeguards introduced regarding their application. This is also a time to recognize that Egypt is home to a dynamic, growing society and life goes on unencumbered by the emergency law.

Renewal was prompted by the serious threat of terrorism.

Egypt faces a very real and serious threat of terrorism. Since the assassination of President Sadat, thousands of Egyptians have been killed by terrorist organizations in Egypt, including the murder of 60 civilians in Luxor in 1997. Egypt has been targeted by groups opposed to its commitment to a civil state and its efforts to seek a negotiated settlement to the Arab-Israeli conflict, including its peace treaty with Israel, which has been in effect for over 30 years. This threat, and that posed by narcotics trafficking, are the exclusive reasons for the continued declaration of a state of emergency.

More recently, nearly 300 people were killed and wounded in Sharm El-Sheikh in July 2005. Less than a year later, in April 2006, terrorists attacked the Egyptian town of Dahab, also in the Sinai, killing and wounding nearly 100.

Last spring, a Hezbollah terrorist cell was discovered in Egypt conspiring to attack innocent civilians in the Sinai, particularly those from Israel; monitoring the movement of Israeli and American vessels through the Suez Canal; and smuggling weapons from Sudan for use in Egypt and the Occupied Palestinian Territories. Egyptian Security Services were able to uncover this conspiracy and abort its execution.

The situation on the border between Egypt and Israeli-occupied Gaza continues to be a threat to Egyptian and regional security. Egypt is working to bring an end to illegal

smuggling of persons and contraband on its border with Gaza, which has included explosives used in terrorist attacks in Egypt via networks of tunnels dug under the border.

About the new legal safeguards in the Emergency Law.

Under the draft legislation before Parliament extending the Emergency Law, the government may not exercise the following extraordinary powers previously available under Paragraphs 2, 3, 4 and 6 of Article 3 of the Emergency Law, among them:

- The monitoring of all forms of communication
- The monitoring, censoring, and confiscation of media and publications, and the ordering of the closure of publishing houses and broadcasters
- The confiscation of property
- The regulation of the hours of operation of commercial activities
- The evacuation and isolation of certain areas

The Government would thus be limited to using only those authorities available under Paragraphs 1 and 5 of Article 3 of the Emergency Law for the purposes of countering the threats of terrorism and narcotics trafficking. These include:

- The arrest and detention of persons suspected of being involved in crimes of terrorism and narcotics trafficking
- The searching of persons or places suspected of involvement in such crimes
- The cancellation of licenses to bear arms or own explosive materials, and the right to confiscate them

The challenge of moving to a new counter-terrorism law.

Maintaining a balance between security and civil liberties has been controversial in many countries. In Egypt, this is no different.

Still, the government is working to replacing the state of emergency with a new, more limited counterterrorism law. In 2005, as part of his electoral platform for Egypt's first direct, multi-candidate presidential election, President Mubarak stated that he was committed to declaring an end to the state of emergency. However, to date, the Government has not arrived at a consensus on the appropriate balance between preserving the lives and livelihoods of the general public in the face of the threats described above, and ensuring that fundamental rights are guaranteed.

The challenge is not dissimilar to that faced by the Obama Administration with Guantanamo Bay and the issue of counter-terrorism. Though President Obama signed an executive order to close the facility by the end of 2009, the administration has been unable to do so due to the complexity of two specific challenges: what to do with detainees and where to try them?

Egypt is by no means alone in maintaining an extended state of emergency.

The state of emergency has not affected political or social life in Egypt.

The State of Emergency is NOT a state of martial law. All normal laws, procedures and courts remain in effect for non-terrorism cases.

The Emergency Law has a very narrow impact and is used only to combat terrorism within Egypt. It doesn't impede on freedom of speech or free expression.

Today, there are hundreds of independent Egyptian newspapers and magazines that frequently criticize the government with no legal ramifications.

New independent cable and satellite channels and ever-expanding access to the Internet has opened up everyday Egyptians to a range of political viewpoints.

Public demonstrations and protests are commonplace in Egypt for a variety of causes, ranging from women's rights to labor issues to political reform.

Civil society organizations are extremely active in Egyptian society. The International Center for Not-For-Profit Law, while it expressed reservations regarding Egypt's NGO laws, has stated that "*Egypt has one of the largest and most vibrant civil society sectors in the entire developing world.*"

Women are playing an increasingly important role in Egypt. Soon, twelve percent of the People's Assembly will be female.

I hope you will consider some of these points as you editorialize on this development, and I stand ready to discuss with you further at any time. Additionally, please visit www.modernegypt.info for more information.

Sincerely,

Ambassador Sameh Shoukry
Ambassador of Egypt to the United States
Washington

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